

# Order

**Supreme Court  
Lansing, Michigan**

October 6, 2005

128438

STEVEN D'AGOSTINI,  
Plaintiff-Appellee,

v

CLINTON GROVE CONDOMINIUM  
ASSOCIATION,  
Defendant-Appellant.

Clifford W. Taylor,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SC: 128438  
COA: 250896  
Macomb CC: 02-001704-NO

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On order of the Court, the application for leave to appeal the March 1, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the decision of the Court of Appeals and REINSTATE the judgment of the Macomb Circuit Court, for the reasons stated in the dissenting opinion. See *Kenny v Kaatz Funeral Home, Inc*, 472 Mich 929 (2005).

CAVANAGH and KELLY, JJ., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 6, 2005

Corbin R. Davis  
Clerk